

McCARTER & ENGLISH, LLP
245 Park Avenue
New York, NY 10167-0001
(212) 609-6800
Attorneys for Victory Wholesale Grocers

MISC 08

134

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
MAR 05 2008 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MONSANTO COMPANY and
THE NUTRASWEET COMPANY,

Plaintiffs,

vs.

VICTORY WHOLESALE GROCERS,
et al.,

Defendants.

CASE NO. C-1-99-371
U.S. District Court
Southern District of Ohio
Western Division
Judge Weber
Magistrate Judge Hogan

SIFTON. J

**NOTICE OF MOTION
TO QUASH SUBPOENA**

Hearing Date:

TO: RODNEY A. BROWN, ESQ.
The Brown Law Group, P.C.
Two Grand Central Tower, #25
140 East 45th Street
New York, NY 10017
Attorneys for Plaintiffs

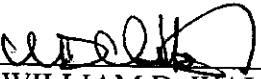
GEOFFREY POTTER, ESQ.
Kramer Levin Naftalis & Frankel, LLP
1177 Avenue of the Americas
New York, NY 10036

SIRS:

PLEASE TAKE NOTICE that on such date and location set by the Court, the undersigned attorneys for Victory Wholesale Grocers will apply to the United States District Court for the Eastern District of New York, for an Order (1) quashing Monsanto Company's Subpoena issued to Kramer Levin Naftalis & Frankel, LLP, and (2) for such other relief as the Court may be deem appropriate.

PLEASE TAKE FURTHER NOTICE that in support thereof, the undersigned shall rely on the accompanying Memorandum of Law and Certification of William D. Wallach. Oral argument is requested.

McCARTER & ENGLISH, LLP
Attorneys for Victory Wholesale
Grocers

By: 
WILLIAM D. WALLACH
A Member of the Firm

Dated: March 5, 2008